

## ORDINANCE NO. 2023-07

### AN ORDINANCE AMENDING SECTION 11.01.085 OF THE CENTERVILLE MUNICIPAL CODE REGARDING DUMPSTERS AND EQUIPMENT, SECTIONS 14.06.010 AND 14.06.020 OF THE SAME REGARDING WINTER PARKING RESTRICTIONS, AND SECTION 16.04.110 OF THE SAME REGARDING DUMPSTER LOCATIONS IN THE PUBLIC RIGHT-OF-WAY

**WHEREAS**, the City Council desires to amend various sections of the Centerville Municipal Code regarding dumpsters and equipment in the public right-of-way as more particularly set forth herein; and

**WHEREAS**, the City Council finds the amendments to various sections of the Centerville Municipal Code regarding dumpsters in the public right-of-way are in the public interest and will help protect the health, safety, and welfare of the City and its residents and property owners by providing regulations restricting or prohibiting dumpsters in the public right-of-way.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF CENTERVILLE CITY, STATE OF UTAH:**

**Section 1. Amendment.** Section 11.01.085 of the Centerville City Municipal Code regarding Dumpsters and Equipment is hereby amended to read in its entirety set forth as follows:

#### **11.01.085 Dumpsters And Equipment**

Except as otherwise provided herein, pProperty owners and builders are required ~~encouraged~~ to place all dumpsters, storage units, scaffolding, equipment, and similar obstructions on private property and outside of the public right-of-way. If it is not feasible or practical to place such obstructions on private property, an temporary occupancy permit may be obtained from the City for limited and temporary placement of such items within the public right-of-way. Applications for a temporary occupancy permit shall be submitted to and issued by the Public Works Director. It shall be unlawful for any person to place, deposit, maintain, store, or leave any dumpster, storage unit, scaffolding, equipment, or other obstruction within any public right-of-way in the City without first obtaining an temporary occupancy permit from the Public Works Director in accordance with the terms and conditions of this Section. All applicable fees shall be paid for such temporary occupancy permit in accordance with Section 17.010 of the City Fee Schedule. Any approved temporary occupancy of the public right-of-way shall be properly barricaded and conducted in accordance with applicable traffic and parking regulations and an approved traffic plan, as required by the Public Works Director. Existing drainage channels and gutters shall be kept free of obstruction and dirt or debris so that the natural flow of the drainage is maintained and all stormwater BMP's and regulations are shall be met. In no event shall dumpsters be permitted within the public right-of-way during winter parking restriction periods as set forth in CMC 14.06.010.

**Section 2. Amendment.** Section 14.06.010 of the Centerville City Municipal Code regarding All-Night Parking and Section 14.06.020 regarding Authorization for All-Night Parking are hereby amended to read in their entirety as follows:

**14.06.010 Winter All-Night Parking Restrictions**

No person shall park a vehicle or dumpster, storage unit, equipment, or other obstruction on any street or in the public right-of-way within the jurisdiction of Centerville City during the period from December 1st through March 31st, between the hours of 12:00 midnight and 6:00 a.m. ~~for more than one hour~~, except physicians during emergency calls, emergency vehicles, or law enforcement vehicles exempted under CMC 14.01.050, or other authorized vehicles in accordance with CMC 14.06.020. See also, CMC 11.01.085 (Dumpsters and Equipment) prohibiting dumpsters and other obstructions within the public right-of-way.

**14.06.020 Authorization For All-Night Parking During Winter Parking Restrictions**

Any resident of Centerville City may apply to the City for authorization for all-night parking during winter parking restriction periods as set forth in CMC 14.06.010 when such parking the same is required by emergency or other unusual circumstances. The Chief of Police, upon good cause showing, may authorize such all-night parking during winter parking restriction periods for a period not to exceed 72 hours. The Chief of Police shall determine be the sole judge as to the necessity and requirement for the authorized all-night parking during winter parking restriction periods.

**Section 3. Amendment.** Section 16.04.110 of the Centerville City Municipal Code regarding Dumpster Locations is hereby amended to read in its entirety as follows:

**16.04.110 Dumpster Location**

Dumpsters shall not be allowed in the street or on any paved surfaces within the public right-of-way except as may be approved under special circumstances by the Director of Public Works Director, in accordance with CMC 11.01.085 (Dumpsters and Equipment). Drain plugs with respect to containers designed with drains shall be in place at all times. Dumpsters shall be serviced with sufficient frequency so as to prevent overflow, spillage and the emanation of offensive odors.

**Section 4. Severability Clause.** If any section, part, or provision of this Ordinance is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Ordinance, and all provisions, clauses and words of this Ordinance shall be severable. This Section shall become effective without codification.

**Section 5. Effective Date.** This Ordinance shall become effective immediately upon publication or posting as required by law.



PASSED AND ADOPTED BY THE CITY COUNCIL OF CENTERVILLE,  
STATE OF UTAH, ON THIS 4<sup>th</sup> DAY OF APRIL, 2023

ATTEST:

CENTERVILLE CITY

Jennifer Robison  
Jennifer Robison, City Recorder

By: Clark A. Wilkinson  
Mayor Clark A. Wilkinson

Voting by the City Council:

	"AYE"	"NAY"	"ABSENT"
Councilmember Hirst	<u>X</u>	_____	_____
Councilmember Ince	<u>X</u>	_____	_____
Councilmember McEwan	<u>X</u>	_____	_____
Councilmember Mecham	<u>X</u>	_____	_____
Councilmember Summerhays	<u>X</u>	_____	_____

**CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING**

According to the provisions of the U.C.A. § 10-3-713, as amended, I, the municipal recorder of Centerville City, hereby certify that foregoing ordinance was duly passed by the City Council and published or posted at: (1) 250 North Main; (2) 655 North 1250 West; and (3) RB's Gas Station, on the foregoing referenced dates.

Jennifer Robison  
JENNIFER ROBISON, City Recorder

DATE: 4-11-2023

RECORDED this 11<sup>th</sup> day of April, 2023.

PUBLISHED OR POSTED this 11<sup>th</sup> of April, 2023.

